

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER AMENDING THE §
DELAWARE RULES FOR §
CONTINUING LEGAL EDUCATION §

Before **VEASEY**, Chief Justice, **HOLLAND, BERGER, and STEELE**,
Justices, constituting the Court *en banc*.

ORDER

This 19th day of June 2003, it appears to the Court that it is desirable to amend various Rules for Continuing Legal Education. The following amendments shall be effective July 1, 2003.

NOW, THEREFORE, IT IS ORDERED:

(1) Rules 2(G) through 2(M) shall be renumbered as 2(H) through 2(N). New Rule 2(G) shall read, "'Compliance Year' means the year in which the attorney reaches the December 31 reporting deadline established by Rule 5(A)(2)."

(2) Existing Rule 2(N) shall be renumbered as Rule 2(P). New Rule 2(O) shall read, "'Principal Office' means the Attorney's office of record with the Supreme Court."

(3) Existing Rules 2 (O) through (R) shall be renumbered as Rules 2(R) through (U). New Rule 2(Q) shall read, "'Reporting Year'" means the year immediately following the Compliance Year, in which the Attorney receives and

must return the printed Transcript verifying completion of the biennial requirement."

(4) Existing Rule 2(S) is deleted in its entirety.

(5) Rule 4(A)(3) shall be amended to read, "If an Attorney completes more than 24 credit hours of instruction in a two-year period, excess credit up to 20 credits may be carried forward and applied to the education requirement for the succeeding two-year period only; however, no credits to be applied to the Enhanced Ethics requirement may be carried forward."

(6) New Rule 4(A)(5)(a) shall read, "Newly admitted attorneys may not claim credits earned prior to admission to the Delaware Bar."

(7) New Rule 4(A)(5)(b) shall read, "All other credit requirements and restrictions within these Rules, except Rule 4(A)(3), shall apply to newly admitted attorneys in proportion to the first reporting requirement (e.g., an attorney with a 5 credit requirement may earn no more than 2.5 credits in videotape instruction as stipulated by Rule 7(C)(4) during the first reporting period). Newly admitted attorneys who complete more than the prorated requirement may carry forward up to 20 excess credits to the following two-year period pursuant to Rule 4(A)(3)."

(8) New Rule 4(E)(8) shall read, "All other credit requirements within these Rules, except Rule 4(A)(3), shall apply to attorneys resuming active

practice in proportion to the requirement (e.g., an attorney with a 40 credit requirement may earn no more than 20 credits in videotape instruction as stipulated by Rule 7(C)(4) during the resumption period). Attorneys resuming active practice who complete more than the prorated requirement may carry forward up to 20 excess credits to the following two-year period pursuant to Rule 4(A)(3). Senior attorneys resuming active practice may carry forward up to 10 excess credits pursuant to the Rule."

(9) Rule 4(D)(1) shall be amended to delete the words, "these Rules" and substitute the following: "Rule 4(A), provided that the attorney has satisfied all terms of this Rule for the entire reporting period."

(10) Rule 4(E)(7) shall be deleted in its entirety and restated to read, "If the Attorney's initial date of inactive status cannot be determined, or if the attorney assumed inactive status prior to January 1, 1987, the Attorney shall be required to complete the full 24 credit hour requirement pursuant to Rule 4(E)(2)(a), in addition to the credit requirements of Rule 4(E)(2)(b), unless the Attorney qualifies for comity under Rule 4(E)(5)."

(11) The second full sentence of Rule 5(A)(3) shall be amended to delete the phrase, "reporting any additional approved credits not already listed on the Transcript" and substitute the following: "verifying the information shown and making any changes necessary".

(12) Rules 5(A)(3), 5(A)(4) and 5(A)(5) shall be amended to insert the phrase "of the Reporting Year" following each instance of the phrases, "February 1" and "March 1".

(13) Rule 5(A)(5) shall be amended to insert the phrase "of the Compliance Year" following the phrase "December 31".

(14) Rule 5(A)(6)(c) shall be amended to replace the period at the end of the phrase "Communicating with a course or activity provider to obtain verification of the Attorney's participation" with a semicolon. New Rule 5(A)(6)(d) shall read, "Obtaining an approved copy of the Attorney's most recent compliance report from another mandatory CLE state if the Attorney is claiming compliance under the comity clause of Rule 4(D)(1)."

(15) Rule 8(A)(4) shall be deleted in its entirety and restated to read: "If the work is not published, the Attorney may, in the Commission's discretion, receive credit for the preparation of the unpublished material."

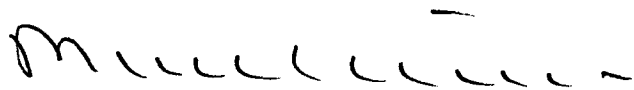
(16) Rule 9(A)(1)(a) shall be deleted in its entirety and restated to read: "In the event an attorney (as used in this Rule 9, the term attorney excludes members of the judiciary) shall fail to complete the required credits by December 31 of the Compliance Year, the Transcript required by Rule 5 may be accompanied by a specific plan for making up the deficiency of necessary credits by April 30 of the Reporting Year. The plan shall be deemed accepted by the

Commission unless within 30 days after the receipt of the Transcript, the Commission notifies the attorney to the contrary. The attorney shall report full completion of the plan not later than May 15 of the Reporting Year, by submitting to the Commission the attorney's written notification of completion, including the title, date and number of credits earned at each course, and the attorney's original signature. If the attorney fails to complete the plan by April 30 of the Reporting Year, or to report completion of the plan by May 15 of the Reporting Year, the Commission shall promptly send the attorney a notice of noncompliance informing the attorney that unless the attorney presents satisfactory evidence of compliance within 20 days of the date of the notice, the Commission will file a statement of noncompliance with Disciplinary Counsel. An attorney shall be required to pay to the Supreme Court \$5.00 for each business day that the attorney's make-up plan has not been fully completed and reported to the Commission beginning on May 16 of the Reporting Year, to and including the date of filing. The Commission may waive all or any part of this penalty for good cause shown."

(17) Rule 12 shall be deleted in its entirety.

IT IS HEREBY FURTHER ORDERED that the Clerk of this Court is directed to transmit forthwith a certified copy of this Order to the Register in Chancery in each county, the Prothonotary of the Superior Court in each county, the Clerk of the Family Court in each county, the Clerk of the Court of Common Pleas in each county, and the Chief Magistrate of the Justice of the Peace Courts.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "M. J. ...", written over a horizontal line.

Justice

State of Delaware

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§ ss.

Kent County

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I, Cathy L. Howard, Clerk of the Supreme Court of the State of Delaware, do hereby certify that the foregoing is a true and correct copy of the Order dated June 19, 2003, *Order Amending the Delaware Rules for Continuing Legal Education, effective July 1, 2003*, as remains on file and of record in said Court.

IN TESTIMONY WHEREOF,

I have hereunto set my hand and affixed the
seal of said Court at Dover this 27th day of
July A.D. 2003.

A handwritten signature in cursive script, reading "Cathy L. Howard", written over a horizontal line.

Cathy L. Howard
Clerk of the Supreme Court